

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HASHMATULLAH RAHMATI,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC,

Defendant.

No. 2:23-cv-00254-MCE-CKD

ORDER

Pending before the court is plaintiff's motion to compel. (ECF No. 14.) The motion is currently set for hearing on September 6, 2023 before the undersigned.¹ Defendant has filed a motion for relief due to mistake, asserting that the discovery deadlines were "unintentionally missed" and that "[d]iscovery responses have been served." (ECF No. 21.) Plaintiff has filed a reply in support of the motion to compel. (ECF No. 22.)

Local Rule 251(b) establishes requirements for any party bringing a motion pursuant to Federal Rules of Civil Procedure 26 through 37, including the requirement that the parties meet and confer and file a joint discovery statement. As plaintiff notes in his motion, "Local Rule 251(e) provides that the requirement for a Joint Statement re: Discovery Disagreement shall not apply when there has been a complete and total failure to respond to a discovery request or

¹ This discovery matter proceeds before the undersigned under 28 U.S.C. § 636, Federal Rule of Civil Procedure 72, and Local Rule 302(c)(1).

1 order.” (ECF No. 14 at 6.) When plaintiff filed the motion to compel, no joint discovery
2 statement was required under Local Rule 251(e). However, now that defendant has responded to
3 discovery requests, albeit belatedly, a joint discovery statement is required to set forth the basis of
4 any remaining dispute.

5 Under these circumstances, the court will deny plaintiff’s motion to compel without prejudice
6 to refiling in accordance with Local Rule 251. Since there is nothing for defendant to be
7 “relieved” from at present, the court will also deny defendant’s motion for relief as moot.

8 For the reasons state above, IT IS ORDERED that:

- 9 1. Plaintiff’s motion to compel (ECF No. 14) is denied without prejudice to renewal;
- 10 2. The September 6, 2023 hearing on the motion to compel is VACATED; and
- 11 3. Defendant’s motion for relief (ECF No. 21) is denied as moot.

12 Dated: August 29, 2023

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14 CAROLYN K. DELANEY
15 UNITED STATES MAGISTRATE JUDGE
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